

William J. Robinson (Bar No. 83729)  
Victor de Gyarfas (Bar No. 171950)  
Grant E. Kinsel (Bar No. 172407)  
FOLEY & LARDNER LLP  
2029 Century Park East, 35th Floor  
Los Angeles, California 90067  
Telephone: (310) 277-2223  
Facsimile: (310) 557-8475

Kenneth S. Klein (Bar No. 129172)  
FOLEY & LARDNER LLP  
402 W. Broadway, Suite 2100  
San Diego, California 92101  
Telephone: (619) 234-6655  
Facsimile: (619) 234-3510

Scott H. Kaliko, *Pro Hac Vice*  
KALIKO & YEAGER, LLC  
500 N. Franklin Turnpike  
Ramsey, New Jersey 07446  
Telephone: (201) 831-0575

Attorneys for Plaintiff, FRISKIT, INC.

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

Charles K. Verhoeven (Bar No. 170151)  
David Perlson (Bar No. 209502)  
Deepak Gupta (Bar No. 226991)  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

Evette D. Pennypacker (Bar No. 203515)  
555 Twin Dolphin Drive  
Suite 560  
Redwood Shores, California 94065  
Telephone: (650) 620-4500  
Facsimile: (650) 620-4555

Attorneys for Defendants  
REALNETWORKS, INC. AND  
LISTEN.COM

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

Plaintiff,

v.

REALNETWORKS, INC., et al.,

Defendants.

Civil Action No. CV 03-5085-WWS

**STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING BRIEFING  
SCHEDULE**

**Judge: Honorable William W. Schwarzer**

WHEREAS, on May 8, 2007, Defendants RealNetworks, Inc. and Listen.com (collectively "Real"), filed a Motion for Leave to File a Motion for Reconsideration of the Court's Order Denying Motions for Summary Judgment;

WHEREAS, by order dated May 9, 2007, the Court granted Real's Motion for Leave to File a Motion for Reconsideration with respect to the issue of obviousness;

WHEREAS, the May 9, 2007 Order directed the parties to file briefs together with declarations directed at the effect of *KSR Int'l Co. v. Teleflex Inc.* on this action, with Real to submit opening papers, plaintiff to respond, and Real to close, with the final brief being filed by June 18, 2007. The Court further directed counsel for the parties to determine a briefing schedule;

NOW THEREFORE IT IS HEREBY STIPULATED, by and between Plaintiff and Real, through their respective counsel of record, the briefing schedule pursuant to the Court's May 9, 2007 Order shall be as follows:

1. Real's opening brief shall be filed on Wednesday, May 30, 2007.
2. Plaintiff's opposition brief shall be filed on Friday, June 15, 2007.
3. Real's reply brief shall be filed on Friday, June 22, 2007

/s/ Victor de Gyarfas

/s/ David A. Perlson

By: William J. Robinson (Bar No. 83729)  
Victor de Gyarfas (Bar No. 171950)  
Grant E. Kinsel (Bar No. 172407)  
FOLEY & LARDNER LLP  
2029 Century Park East, 35th Floor  
Los Angeles, California 90067  
Telephone: (310) 277-2223  
Facsimile: (310) 557-8475

By: Charles K. Verhoeven  
David A. Perlson  
Deepak Gupta  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

1 Kenneth S. Klein (Bar No. 129172)  
2 FOLEY & LARDNER LLP  
3 402 W. Broadway, Suite 2100  
4 San Diego, California 92101  
5 Telephone: (619) 234-6655  
6 Facsimile: (619) 234-3510


7 Scott H. Kaliko, *Pro Hac Vice*  
8 KALIKO & YEAGER, LLC  
9 500 N. Franklin Turnpike  
10 Ramsey, New Jersey 07446  
11 Telephone: (201) 831-0575

12 Attorneys for Plaintiff

13 Evette D. Pennypacker  
14 QUINN EMANUEL URQUHART  
15 OLIVER & HEDGES, LLP  
16 555 Twin Dolphin Drive, Suite 560  
17 Redwood Shores, California 94065  
18 Telephone: (650) 620-4500  
19 Facsimile: (650) 620-4555

20 Attorneys for Defendants

21 PURSUANT TO STIPULATION, IT IS SO ORDERED, this 29th day of May, 2007.

22   
23 Honorable William W. Schwarzer  
24 United States District Judge  
25 Northern District of California  
26  
27  
28